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Attorneys for Plaintiff
OLD REPUBLIC INSURANCE COMPANY

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

OLD REPUBLIC INSURANCE COMPANY, a corporation, Plaintiff, vs. UNITED STATES OF AMERICA and DOES 1 through 100, inclusive, Defendants.	CASE NO.: 08cv223-BTM (BLM) **PLAINTIFF OLD REPUBLIC INSURANCE COMPANY'S INITIAL DISCLOSURES UNDER FED.R.CIV.P. 26(a)(1)**

Plaintiff, OLD REPUBLIC INSURANCE COMPANY ("ORIC"), by its undersigned counsel, makes the following initial disclosures under Rule 26(a)(1) of the Federal Rules of Civil Procedure:

INITIAL DISCLOSURES

A. Individuals Likely to Have Discoverable Information That Plaintiff ORIC May Use to Support Its Claims or Defenses

1. Any individuals listed by the National Transportation Safety Board ("NTSB") in Report No. LAX06FA106AB.

2. Any individuals listed in the El Cajon Police Department reports.

3. Any individuals listed in the documents disclosed by the UNITED STATES or any other party.

4. Any other individuals identified in discovery.

5. Rob Hembury, President of Scandianian Aviation Academy.

B. All Documents, ESI, and Tangible Things in Plaintiff ORIC's Possession, Custody or Control That It May Use to Support Its Claims or Defenses.

1. The documents revealed by the UNITED STATES in the Initial Disclosure dated April 14, 2008.

2. The Workers' Compensation Appeals Board Order Approving Compromise and Release dated January 28, 2008 including minutes of hearing and supplemental minutes of hearing.

3. Pilot records for Anders Sigurdson.

C. Computation of Any Category of Damages Claimed by the Disclosing Party.

1. $219,751.51 in workers' compensation benefits.

2. Burial expenses of $5,000.

3. ORIC also had associated expense payments of $3,654.37.

This brings the total payments made to $228,405.88.

D. Any Insurance Agreement.

ORIC was the workers' compensation insurer for Scandianian Aviation Academy.

DATED: May 14, 2008

MICHAELIS, MONTANARI & JOHNSON

By: [signature]
GARRY L. MONTANARI
Attorneys for Plaintiff
OLD REPUBLIC INSURANCE COMPANY

7509 pld p-rule 26

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

ANDERS OLOF SIGURDSON, Deceased; ~~DEPARTMENT OF INDUSTRIAL~~ RELATIONS DEATH WITHOUT DEPENDENTS UNIT, Applicant, v. SCANDINAVIAN AVIATION ACADEMY and GALLAGHER BASSETT SERVICES, AS TPA FOR OLD REPUBLIC INSURANCE CO., Defendant(s).	SDO 357153 Case No. ~~UNASSIGNED~~ ORDER APPROVING COMPROMISE AND RELEASE

The parties to the above-entitled action having filed a Compromise and Release herein, on June 22, 2007, settling this case for $219,751.51 in addition to all sums which may have been paid previously, and requesting that it be approved, and this Board having considered the entire record, including said Compromise and Release, now finds that it should be approved.

IT IS HEREBY ORDERED that said Compromise and Release be approved.

Award is made in favor of Applicant Department of Industrial Relations Death Without Dependents Unit and against Defendant Gallagher Bassett Services, as TPA for Old Republic Insurance Co. in the total amount of $219,751.51.

PRESIDING WORKERS' COMPENSATION JUDGE
WORKERS' COMPENSATION APPEALS BOARD

Filed and served by mail on: JAN 28 2008

~~On all parties on the official address record~~
~~By:~~

NOTICE TO
Mr. Winnek
Pursuant to Rule 10500 you are designated to serve this/these document(s) on all parties shown on the Official Address Record.

WORKERS' COMPENSATION APPEALS BOARD

2007 AUG -9 AM 3:08

DIVISION OF WORKERS' COMPENSATION
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA
COMPROMISE AND RELEASE (Dependency Claim)
(Amended)

CASE NO: SAN DIEGO SDO357163

SOCIAL SECURITY NO. 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

ANDERS OLOF SIGURDSON, deceased

(DWD's Tax ID No.: 94-3160882)

DEPARTMENT OF INDUSTRIAL RELATIONS,
DEATH WITHOUT DEPENDENTS UNIT — APPLICANT

P. O. BOX 422400, SAN FRANCISCO, CA 94142-2400 — ADDRESS

VS.

SCANDINAVIAN AVIATION ACADEMY — CORRECT NAME OF EMPLOYER

681 KENNY ST., EL CAJON, CA 92020 — ADDRESS

GALLAGHER BASSETT SERVICES, as TPA For Old Republic Insurance Co. — CORRECT NAME OF INSURANCE CARRIER

P. O. BOX 4511, WOODLAND HILLS, CA 91365 — ADDRESS

The parties hereto, for the purpose of compromise only, agree as follows:

1. The above-named applicant(s) claim(s) that ANDERS OLOF SIGURDSON (NAME OF EMPLOYEE) while employed at SAN DIEGO, CA on FEBRUARY 8, 2006 by SCANDINAVIAN AVIATION ACADEMY, then insured as to workers' compensation liability by GALLAGHER BASSETT, TPA for OLD REPUBLIC INSURANCE (STATE NAME OF CARRIER OR WHETHER SELF-INSURED), sustained injury arising out of and in the course of such employment as follows: MULTIPLE BLUNT FORCE INJURIES CAUSED IN MID-AIR COLLISION OF AIRCRAFT

2. The death of said employee occurred on FEBRUARY 8, 2006, as a result of the claimed injury.

3. The actual weekly wages of the employee at the time of claimed injury were 640.00, while average weekly wages (statutory) were ________.

4. Payments of compensation to the employee in his lifetime on account of the claimed injury were 0.00.

5. The applicant(s) herein claim(s) to have been dependent upon said employee at the time of claimed injury, and states the names, ages, relationship to, and the extent of dependency upon said deceased employee to have been as follows:

NAME	AGE	RELATIONSHIP	EXTENT OF DEPENDENCY
NONE			

6. The parties hereby agree to settle any and all claims of applicant(s) on account of the claimed injury and the death of said employee by payment of the sum of $219,751.51 payable as follows to DEPARTMENT OF INDUSTRIAL RELATIONS: DEATH WITHOUT DEPENDENTS UNIT; IN ONE LUMP SUM

7. The parties hereby agree (if such items of expense be claimed) that medical, hospital and burial expense required by reason of the alleged injury and the death of the employee shall be borne as follows: PAYABLE BY DEFENDANTS, ~~if claimed~~ per statute. Defend. carrier Old Republic/Gallagher Bassett has already paid $1,200.00 in burial expense. Any addition burial expense will be paid by Old Republic/Gallagher Bassett, subject to proof if claimed by decedent's estate or employer up to $3,799.00 (Balance of $5,000 maximum statutory requirement). With jurisdiction reserved before WCAB

8. The name and address of applicant's attorney (if any): None

who requests a fee of $__________, having been previously paid $__________.

9. Reason for compromise PARTIES WISH TO AVOID LITIGATION and buy their peace

10. The undersigned request that this compromise agreement and release be approved.

11. Upon approval of this compromise agreement as provided by law, and payment in accordance with the provisions of said order of approval, said applicants and each of them do hereby release and forever discharge said employer and said insurance company of and from all claims, demands, actions or causes of action, of every kind or nature whatsoever, on account of, or by reason of the injury and death sustained as aforesaid by the employee, and in particular of any, all and every claim or cause of action which the undersigned, heirs, executors, representatives, or administrators may have had, now have, or shall hereafter have against said employer, said insurance carrier, and each of them under Division 4 of Labor Code of the State of California.

12. It is agreed by all parties hereto that the filing of this document is the filing of an application on behalf of the applicant-, and that it may be set for hearing as a regular application, reserving to the parties the right to put in issue any of the facts admitted herein, and that if hearing is held with this document used as an application the defendants shall have available to them all defenses that were available as of the date of filing of this document, and that it may thereafter be approved, disapproved, or a decision issued after a hearing has been held and the matter regularly submitted.

13. For the purpose of determining the lien claim filed herein for the unemployment compensation disability and/or unemployment compensation benefits which have been paid under or pursuant to the California Unemployment Insurance Code, the parties propose the following division of the sum agreed upon for settlement and release of this case:

$ 0.00 for temporary disability covering the period __________ to __________.

$ 0.00 for accrued medical expense paid or incurred by the employee.

$ 0.00 for future medical care.

$ 0.00 or permanent disability.

(The above segregation must be fair and reasonable and must be based on the real facts of the case. There should be no attempt made to deprive the lien claimant of a reasonable recovery consistent with all the amounts involved.)

WITNESS the signature hereof this ______ day of __________, ______ at __________, California.

______________________ Witness	[signature] 6/22/07 Marlene T. Obando, Death Without Dependents — Date
______________________ Witness	[signature] 6-21-07 Gallagher Bassett / Old Republic — Date
	______________________ Date
	______________________ Date

State of California }
} ss.
County of __________ }

On __________, before me, __________, a Notary Public, personally appeared __________

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Anders Sigurdson (Dec'd) APPLICANT

v.

Scandinavian Aviation Academy

DEFENDANTS

CASE NUMBER(S) SDO 357153

MINUTES OF HEARING/ORDER/ORDER AND DECISION ON REQUEST FOR CONTINUANCE/ ORDER TAKING OFF CALENDAR/ NOTICE OF HEARING

☐ BEFORE ☒ AT
☐ MSC ☐ RATING MSC ☒ STATUS CONF ☐ WALK THROUGH
☐ PRIORITY CONFERENCE ☐ TRIAL ☐ EXP. HEARING

DATE OF: HEARING JAN 28 2008 REQUEST ______

APPEARANCES APPLICANT ☐ PRESENT ☐ NOT PRESENT

APPLICANT REPRESENTED BY ______ ☐ ATTORNEY ☐ HEARING REP.

DEFENDANT REPRESENTED BY Domingo Elias & Vu by Victor Wimmek ☐ ATTORNEY ☐ HEARING REP. Gallagher Bassett

OTHERS APPEARING ______ ☐ ATTORNEY ☐ HEARING REP.

INTERPRETER ______ CERTIFICATION NO. ______

PARTY MAKING REQUEST ☐ JOINT ☐ APPLICANT ☐ DEFENDANT ☐ OTHER ______

REQUEST FOR: ☐ CONTINUANCE ☐ OTOC REQUEST BY: ☐ LETTER ☐ TELEPHONE

POSITION OF OPPOSING PARTY ☐ AGREE ☐ OPPOSE ☐ UNREACHABLE ☐ UNKNOWN

REASON FOR REQUEST

☐ FURTHER DISCOVERY: ☐ APP MED ☐ DEF MED ☐ AME ☐ DEPO
☐ CALENDAR CONFLICT: ☐ APPLICANT ☐ DEFENSE ☐ L.C.
☐ SETTLEMENT PENDING
☐ IMPROPER/INSUFFICIENT NOTICE BY PARTY
☐ IMPROPER DECLARATION OF READINESS/VALID OBJECTION
☐ NON APPEARANCE ☐ APP ☐ DEF ☐ LIEN CLAIMANT ☐ WITNESS
☐ APPLICANT ☐ DEF COUNSEL ☐ VACATION ☐ ILLNESS
☐ UNAVAILABILITY OF WITNESSES ☐ APP ☐ DEFENSE
☐ DISPUTE RESOLVED BY AGREEMENT ☐ NO ISSUES PENDING
☐ JOINDER ☐ CONSOLIDATION ☐ VENUE ☐ NEW APPLICATION
☐ AUTO REASSIGN ☐ DISQUALIFY ☐ APP ☐ DEFENDANT
☐ APPLICANT NOW REPRESENTED ☐ REQUESTS REPRESENTATION
☐ CHANGE OF CIRCUMSTANCES

BOARD REASON

☐ INSUFFICIENT TIME ☐ TO START ☐ TO FINISH
☐ REASSIGNMENT: ☐ REFUSED ☐ NOT AVAILABLE
☐ REPORTER ☐ INTERPRETER ☐ NOT AVAILABLE
☐ WCJ NOT AVAILABLE ☐ RECUSAL
☐ UEF ISSUES ☐ SERVICE DEFECTIVE ☐ BANKRUPTCY PENDING
☐ DEFECTIVE WCAB NOTICE
☐ ARBITRATION
OTHER/COMMENTS ______

GOOD CAUSE APPEARING, IT IS ORDERED THAT THE REQUEST FOR ☐ CONT ☐ OTOC IS ☐ GRANTED ☐ DENIED

____ DAYS FOR ☐ C&R ☐ STIPS, OTHERWISE: ☐ OTOC ☐ RESET ______

☐ OTOC ☒ C&R/STIPS SUBMITTED FOR APPROVAL ☒ C&R/STIPS APPROVED

☐ LIEN STIPS AND ORDER APPROVED ☐ N.O.I. TO ALLOW/DISALLOW ISSUED

☒ SET FOR ☐ MSC ☒ STATUS CONF ☐ PRIORITY CONF ☐ LIEN TRIAL ☐ EXPEDITED TIME ☐ 1 HR ☐ 2 HRS ☐ 4 HRS __DAY

SET ON 3-10-08 AT 1:30 LOCATION SDO BEFORE JUDGE ROSA

☐ SUPPLEMENTAL PAGES ATTACHED ____ PAGES

DATE JAN 28 2008

[signature]
RICHARD J. ROSA
WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

NOTICE TO Defendant

Pursuant to Rule 10500 you are designated to serve this/these document(s) on all parties as shown on the Official Address Record. Served on designated server with a copy of the Official Address Record.

Date ______ By [signature]

☐ Served on parties and lien claimants present

CASE NUMBER(S) SDO 357153

CASE TITLE Anders Sigurdson (Dec'd) v. Scandinavian Aviation Academy

SUPPLEMENT TO MINUTES OF HEARING/ORDER/ORDER AND DECISION ON REQUEST FOR CONTINUANCE/ORDER TAKING OFF CALENDAR/NOTICE OF HEARING

HEARING DATE 1-28-08

COMMENT/DISCUSSION/MOTION Δ Carrier Old Republic INS. administered by Gallagher Bassett has paid burial Expense of $1,200.50 to Featheringill Mortuary. Δ Carrier is aware of the statutory requirement to pay burial expense upto $5,000. Δ Carrier is aware that the maximum Balance owed for burial Expenses is $3,799.50 subject to proof.

Mr. Richard Munoz for DWD was contacted via telephone (213) 576-7715 by Victor Winnick (for Δ carrier) from WCAB on 1/28/08 Regarding modifying Language in paragraph 7 of C&R - It has been Amended with the Authorization of both parties that Δ carrier will be liable for any additional burial expenses per statute and according to proof up to the balance remaining of $3,799.50

It has come to the parties' attention that the decedent's parents have submitted bills (in Swedish language & currency). The San Diego I&A officer will translate the bills for defendant carrier. It has also come to the parties attention that the employer Scandinavian Aviation Academy may also have a claim for burial expense.

Both DWD and Δ Carrier move the Court to Approve the C&R and reserve Jurisdiction over burial expense to be paid by Old Republic if owed.

ORDER(S)

RICHARD J. ROSA
WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

Served with the Minutes of Hearing.

PROOF OF SERVICE

STATE OF CALIFORNIA)
) S.S.
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 4333 Park Terrace Drive, Suite 110, Westlake Village, CA 91361.

On the date set forth below, I served the foregoing document described as **PLAINTIFF OLD REPUBLIC INSURANCE COMPANY'S INITIAL DISCLOSURES UNDER FED.R.CIV.P. 26(a)(1)** on the interested parties in this action by placing a true copy of this in a sealed envelope with postage thereon fully prepaid in the United States mail at Westlake Village, California, addressed as follows:

SEE EXHIBIT "A" ATTACHED HERETO

[] **(MAIL)** I deposited such envelope in the mail at Westlake Village, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

[X] **(FEDERAL EXPRESS)** I deposited such envelope at the Federal Express office located at Westlake Village, California. The envelope was mailed fully prepaid. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing with Federal Express. It is deposited with the Westlake Village Federal Express service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if cancellation date is more than 1 day after date of deposit for overnight mailing in affidavit.

[ ] **(ELECTRONIC TRANSFER)** I caused all of the pages of the above-entitled document to be sent to the recipients noted below via electronic transfer (FAX) at the respective telephone numbers indicated below.

[X] **(Federal)** I declare that: [X] I am employed in the office of a member of the bar of this Court at whose direction this service is being made; or [ ] I am a member of the bar of this Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 14, 2008, at Westlake Village, California.

Barbara Haussmann, CCLS

EXHIBIT "A" TO PROOF OF SERVICE

Peter D. Keisler, Assist. Atty. Gen.
Karen P. Hewitt, U.S. Atty.
Tom Stahl, Assist. U.S. Atty.
Steven J. Riegel, Sr. Av. Counsel
Stephen M. Ketyer, Trial Atty.
U.S. Department of Justice
Civil Division, Torts Branch
P.O. Box 14271
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